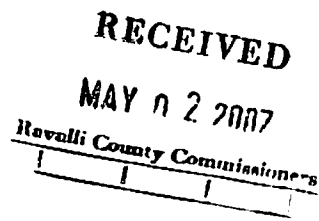


George H. Corn, County Attorney
Ravalli County Courthouse
205 Bedford, Suite C
Hamilton, Montana 59840
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Attorney for Ravalli County



To Planning
for action

MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT
RAVALLI COUNTY

LINDA M. WILLIAMS and
CAROL MAE MAVROS,

Plaintiffs,

vs.

ROBERTA A. WALKER and
STEVEN MILO SNOW,

Defendants

Cause No. DV 05-587/15

Dept. No. 2

Hon. James A. Haynes

SPECIAL APPEARANCE OF RAVALLI
COUNTY

COMES NOW Ravalli County, by and through counsel, and enters this special appearance pursuant to §76-3-201(2), MCA.

Ravalli County's written comments regarding the proposed division of land are attached hereto as Exhibit A and are submitted for the Court's consideration in this matter.

In addition to the comments attached, Ravalli County requests that the Court note in its final Order or Judgment that the Court-ordered division of land remains subject to the requirement for certification of payment of all outstanding property taxes per §70-21-213, MCA.

Ravalli County further requests that the parties be ordered to pay a fee of \$200 to the Ravalli County Planning Department for its review of this matter, consistent with §§76-3-201(4), MCA.

RESPECTFULLY SUBMITTED this 1st day of May, 2007.

RAVALLI COUNTY ATTORNEY

By: 
George Corn, County Attorney

CERTIFICATE OF SERVICE

This is to certify that true and correct copies of the foregoing document was served upon the following persons on this _____ day of _____, 2007, by U.S. mail, prepaid or as specified below:

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OG-07-05-498

May 1, 2007

Hon. James A. Haynes
District Judge- Dept. 2
Twenty-First Judicial District
Ravalli County Court House
205 Bedford- Suite B
Hamilton, MT 59840

Re: Williams, Mavros, Walker, Snow Court Ordered Division, Cause No. DV 05-587/15

Dear Judge Haynes,

My office has been provided with a preliminary Certificate of Survey (COS) depicting a proposed Court-Ordered division of the Williams, Mavros, Walker, Snow property, as well as the court ordered partition filed April 03, 2007. Ravalli County greatly appreciates the Court's willingness to include the Planning Department in this review opportunity.

The property is currently zoned under the interim zoning regulations adopted through ballot initiative which requires a residential density of one dwelling unit per two acres for subdivisions. It is not located in a voluntary zoning district. The Ravalli County Subdivision Regulations are applicable in the area. An exemption to the regulations is being requested under Section 4-4-2 (Qualified Exemptions – Order of a Court) by the current property owners.

The Planning Department has determined that the proposed division does not appear to be for the purpose of evading the Subdivision Regulations or the MSPA. However, the Planning Department has identified the following issues that would normally be addressed in the subdivision review process:

- Access - The subject property is in an isolated area, is likely substandard and is accessed solely off of a U.S. Forest Service road. This type of access situation would not be permissible under the Subdivision Regulations.;
- The subject property has a high potential to be at risk during wildfire incidents, which can adversely affect public health and safety as well as local services (emergency services providers);
- Due to its location, additional development on the subject property may have adverse impacts on wildlife, wildlife habitat, and surface water.

The following comments are offered for the Court's consideration:

1. Written confirmation, from the Environmental Health Department, that each lot meets or exceeds local and State Department of Environmental Quality (DEQ) standards for

wastewater treatment and potable water (wells) should be obtained. You may also wish to consider conditioning your approval on the property owner(s) obtaining DEQ approval, which is consistent with SB 290; a law passed in 2005 amending 76-3-604 MCA.

2. Further development of the properties should include, when appropriate, access permits from the road department, additional structures requiring wastewater treatment facilities exemption application, subdivision exemption application, floodplain analysis, and/or subdivision review.
3. Staff recommends that the applicant obtain appropriate documentation and approval from the US Forest Service allowing for the additional proposed accesses to the subject property via Forest Service roads.
4. The West Fork of the Bitterroot River runs through proposed lots three and four of the subject property. Staff recommends contacting Montana Fish, Wildlife, and Parks for information related to living along waterways.
5. The Canada Lynx has been identified as a species of concern in the vicinity of this proposed division. The property owners should contact the Montana Natural Heritage Program for additional information related to species of concern which may be located on or near the subject property.
6. The subject property is located outside of an organized rural fire district, but within the Bitterroot National Forest. Staff feels there is a high wild land fire risk associated with the property and suggests that the property owners contact a professional forester to help identify the wild land fire risk and suggest mitigation measures.
7. My department appreciates the Court's acknowledgement of the water rights issue as noted in stipulation number 7.
8. The Planning Department requests a processing fee of \$200.00 to help cover the costs involved in the review and recommendations regarding this proposal. My office is grateful for the assistance of the property owners to help defray the costs to county taxpayers for the staff time and materials that were required for the project. Your inclusion of this fee in a Court-Ordered split will provide my office with the ability to continue to review these types of proposals to help insure the reasonable health, safety, and welfare of all county residents.

Again, thank you for the opportunity to review this proposed Court-ordered division of land. If you have any questions, please contact me at your convenience.

Sincerely,


Karen Hughes, Planning Director

Cc: County Attorney
Clerk and Recorder
Board of County Commissioners